

# OFFICIAL GAZETTE

## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Special Department

**Notification**

OSD/RRVS/10/67

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, read with the Government of India, Ministry of External Affairs letter No. F.7(11)/62-Goa dated 25-7-1963 the Administrator of Goa, Daman and Diu is pleased to make the following rules amending the Goa Government, Land Survey Department, Class II, Gazetted posts Recruitment Rules, 1970, issued under Notification of even number dated 18-8-1970 published in Government Gazette Series I, No. 25 dated 17-9-1970, namely: —

**1. Short title and commencement: —**

- (i) These rules may be called the Goa Government Land Survey Department, Class II Gazetted posts Recruitment (first amendment) Rules, 1972.
- (ii) They shall come into force at once.

**2. In the Schedule attached to the said Notification: —**

- (a) For the existing entry in column 10 Substitute: —  
“By promotion failing which by transfer on deputation”
- (b) For the existing entry in column 11 Substitute: —

**“Promotion: —**

Surveyors Grade I with 3 years service in the grade, failing which with 8 years service in the grades of Surveyor Grade I and Surveyor Grade II and Head Surveyors combined together, failing both Surveyors Grade II and Head Surveyors with 8 years service in the respective grades.

**Transfer on deputation: —**

Officers holding analogous posts under the Central/State Governments (period of deputation ordinarily not exceeding three years)”.  
By order and in the name of the Administrator of Goa, Daman and Diu.  
S. R. Sawant, Deputy Secretary (Appointments).  
Panaji, 2nd March, 1972.

Finance (Revenue) Department

**Notification**

Fin(Rev)/2-36/AR/7/72(A)

In exercise of the powers conferred by the second proviso to sub-section (1) of Section 7 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) the Government is pleased to direct that the following entry shall be deleted from the Notification No. F.D/Fin(Rev)/2-36/Part/5351/66 dated 15-12-1966;

“No. 10 — Country liquor produced in the Union Territory of Goa, Daman and Diu from toddy drawn from coconut trees and from juice extracted from cashew apples”.

This Notification shall come into force with effect from 1st April 1972.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 4th March, 1972.

**Notification**

Fin(Rev)/2-36/AR/7/72(B)

In exercise of the powers conferred by the Second Proviso to sub-Section (1) of Section 7 of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) and in supersession of the Government Notification No. Fin(Rev)/2-36/LAQ/1960/69 dated 13-5-1970, the Government is pleased to direct that with effect from 1st April, 1972 the tax payable in respect of the taxable turnover of country liquor produced in the Union Territory of Goa, Daman and Diu from sugarcane juice shall be levied at the rate specified in clause (c) of sub-Section (1) of Section 7 of the said Goa, Daman and Diu Sales Tax Act, 1964.

By order and in the name of the Administrator of Goa, Daman and Diu.

Puran Singh, Finance Secretary.

Panaji, 4th March, 1972.

## Law and Judicial Department

## Notification

LD/661/72

The Government of Union Territories (Amendment) Act, 1971 (83 of 1971), The Constitution (Twenty Seventh) Amendment Act, 1971, The Companies (Amendment) Act, 1971 (80 of 1971), and The Commissions of Inquiry (Amendment) Act, 1971 (79 of 1971), which were recently passed by the Parliament and assented to by the President of India are hereby published for general information of the public.

M. S. Borkar, Under Secretary (Law).

Panaji, 17th February, 1972.

## The Government of Union Territories (Amendment) Act, 1971

AN  
ACT

*further to amend the Government of Union Territories Act, 1963 and also further to amend the Sixth Schedule to the Constitution and the Representation of the People Act, 1950.*

Be it enacted by the Parliament in the Twenty-second Year of the Republic of India as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Government of Union Territories (Amendment) Act, 1971.

(2) It shall come into force on such date, being a date not earlier than the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.

2. **Amendment of section 1.**—In section 1 of the Government of Union Territories Act, 1963 (hereinafter referred to as the principal Act), in sub-section (2),—

(i) before the existing proviso, the following proviso shall be inserted, namely:—

“Provided that it shall come into force in the Union territory of Mizoram on such date, being a date not earlier than the date of commencement of the Government of Union Territories (Amendment) Act, 1971, as the Central Government may, by notification in the Official Gazette appoint.”;

(ii) in the existing proviso, for the words “Provided that”, the words “Provided further that” shall be substituted.

3. **Amendment of section 2.**—In section 2 of the principal Act, in sub-section (1), in clause (h), for the words “Goa, Daman and Diu, and Pondicherry”, the words “Goa, Daman and Diu, Pondicherry and Mizoram” shall be substituted.

4. **Amendment of section 3.**—In section 3 of the principal Act,—

(i) in sub-section (4), for the words “in the Legislative Assembly of every Union territory other than the Union territory of Goa, Daman and

Diu”, the words “in the Legislative Assembly of the Union territory of Pondicherry” shall be substituted;

(ii) in sub-section (5), for the words “of any Union territory”, the words “of the Union territory of Pondicherry” shall be substituted;

(iii) in sub-section (6), for the words “in the Legislative Assemblies of the Union territories”, the words “in the Legislative Assembly of the Union territory of Pondicherry” shall be substituted.

5. **Amendment of section 20.**—Section 20 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

“(2) The provisions of article 304 shall, with the necessary modifications, apply in relation to any law passed by the Legislative Assembly of a Union territory with respect to any of the matters referred to in that article as they apply in relation to any law passed by the Legislature of a State with respect to those matters.”.

6. **Substitution of new section for section 21.**—For section 21 of the principal Act, the following section shall be substituted, namely:—

“21. **Inconsistency between laws made by Parliament and laws made by Legislative Assembly.**—

(1) If any provision of a law made by the Legislative Assembly of a Union territory is repugnant to any provision of a law made by Parliament, then, subject to the provisions of sub-section (2), the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the Union territory, shall prevail and the law made by the Legislative Assembly of the Union territory shall, to the extent of the repugnancy, be void.

(2) Where a law made by the Legislative Assembly of a Union territory with respect to any of the matters enumerated in the Concurrent List or the State List in the Seventh Schedule to the Constitution contains any provision repugnant to the provisions of an earlier law made by Parliament with respect to that matter, or where a law made by the Legislative Assembly of a Union territory with respect to any matter enumerated in the Concurrent List aforesaid is repugnant to the provisions of any earlier law, other than a law made by Parliament, with respect to that matter, then, in either case, the law so made by the Legislative Assembly of the Union territory shall if it has been reserved for the consideration of the President and has received his assent, prevail in that Union territory:

Provided that nothing in this sub-section shall prevent Parliament from enacting at any time any law with respect to the same matter including a law adding to, amending, varying or repealing the law so made by the Legislative Assembly of the Union territory.”.

7. **Substitution of new sections for section 25.**—For section 25 of the principal Act, the following sections shall be substituted, namely:—

“25. **Assent to Bills.**—When a Bill has been passed by the Legislative Assembly of a Union territory, it shall be presented to the Administrator and the Administrator shall declare either that he

assents to the Bill or that he withholds assent therefrom or that he reserves the Bill for the consideration of the President:

Provided that the Administrator may, as soon as possible after the presentation of the Bill to him for assent, return the Bill if it is not a Money Bill together with a message requesting that the Assembly will reconsider the Bill or any specified provisions thereof, and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Assembly will reconsider the Bill accordingly, and if the Bill is passed again with or without amendment and presented to the Administrator for assent, the Administrator shall declare either that he assents to the Bill or that he reserves the Bill for the consideration of the President:

Provided further that the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which, —

(a) in the opinion of the Administrator would, if it became law, so derogate from the powers of the High Court as to endanger the position which that Court is, by the Constitution, designed to fill; or

(b) relates to any of the matters specified in clause (1) of article 31A; or

(c) the President may, by order, direct to be reserved for his consideration; or

(d) relates to matters referred to in sub-section (5) of section 7 or section 17 or section 34 or sub-section (6) of section 45 or in entry 1 or entry 2 of the State List in the Seventh Schedule to the Constitution:

Provided also that without prejudice to the provisions of the second proviso, the Administrator shall not assent to, but shall reserve for the consideration of the President, any Bill which has been passed by the Legislative Assembly of the Union territory of Mizoram and which relates to any area comprised in any autonomous district in that Union territory under the Sixth Schedule to the Constitution.

*Explanation.* — For the purposes of this section and section 25A, a Bill shall be deemed to be a Money Bill if it contains only provisions dealing with all or any of the matters specified in sub-section (1) of section 23 or any matter incidental to any of those matters and, in either case, there is endorsed thereon the certificate of the Speaker of the Legislative Assembly signed by him that it is a Money Bill.

**25A. Bills reserved for consideration.** — When a Bill is reserved by an Administrator for the consideration of the President, the President shall declare either that he assents to the Bill or that he withholds assent therefrom:

Provided that where the Bill is not a Money Bill, the President may direct the Administrator to return the Bill to the Legislative Assembly together with such a message as is mentioned in the first proviso to section 25 and, when a Bill is so returned, the Assembly shall reconsider it accordingly within a period of six months from the

date of receipt of such message and, if it is again passed by the Assembly with or without amendment, it shall be presented again to the President for his consideration."

**8. Amendment of section 33.** — To sub-section (2) of section 33 of the principal Act, the following proviso shall be added, namely: —

"Provided that the provisions of this sub-section shall apply in relation to the Legislative Assembly of the Union territory of Mizoram as if for the words "the State of Uttar Pradesh", the words "the State of Assam" had been substituted."

**9. Amendment of section 38.** — In section 38 of the principal Act, —

(i) in clause (a), the words figures and letter "or with the Election Commission under section 43A" shall be added at the end;

(ii) after clause (b), the following clause shall be inserted, namely: —

"(bb) "Election Commission" means the Election Commission appointed by the President under article 324;".

**10. Insertion of new section 43A.** — After section 43 of the principal Act, the following section shall be inserted, namely: —

**"43A. Special provision for delimitation of constituencies of Mizoram Legislative Assembly.** —

(1) The provisions of sections 39 to 43 (both inclusive) shall not apply to the delimitation of constituencies for the purpose of elections to the Legislative Assembly of the Union territory of Mizoram.

(2) The Election Commission shall, in the manner herein provided, distribute the seats assigned to the Legislative Assembly of the Union territory of Mizoram under sub-section (2) of section 3 to single member assembly constituencies and delimit them on the basis of the latest census figures having regard to the provisions of the Constitution and to the following provisions: —

(a) all constituencies shall, as far as practicable, be geographically compact areas;

(b) in delimiting the constituencies, regard shall be had to physical features, existing boundaries of administrative units, facilities of communication and public convenience.

(3) For the purpose of assisting in the performance of its functions under sub-section (2), the Election Commission shall associate with itself as associate members —

(a) all the persons who, having been elected to the Legislative Assembly of the State of Assam from the Lungleh, Aijal East and Aijal West territorial constituencies, are members of that Assembly immediately before the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971; and

(b) such three elected members of the District Council of the Mizo District as the Chairman thereof may nominate:

Provided that none of the associate members shall have a right to vote or sign any decision of the Election Commission.

(4) If, owing to death or resignation, the office of an associate member falls vacant, it shall be filled, if practicable, in accordance with the provisions of sub-section (3).

(5) The Election Commission shall —

(a) publish its proposals for the delimitation of constituencies, together with the dissenting proposals, if any, of any associate member who desires publication thereof in the Official Gazette and in such other manner as the Commission may consider fit, together with a notice inviting objections and suggestions in relation to the proposals and specifying a date on or after which the proposals will be further considered by it;

(b) consider all objections and suggestions which may have been received by it before the date so specified;

(c) after consideration of objections and suggestions which may have been received by it before the date so specified, determine by one or more orders the delimitation of constituencies and cause such order or orders to be published in the Official Gazette; and upon such publication, the order or orders shall have the full force of law and shall not be called in question in any court.

(6) The Election Commission may, from time to time, by notification in the Official Gazette, —

(a) correct any printing mistake in any order made under sub-section (5) or any error arising therein from inadvertent slip or omission;

(b) where the boundaries or name of any territorial division mentioned in any such order or orders are or is altered, make such amendments as appear to it to be necessary or expedient for bringing such order up-to-date.

(7) Every order made under sub-section (5) and every notification issued under sub-section (6) shall be laid as soon as may be after it is made or issued before the Legislative Assembly of the Union territory of Mizoram.

(8) All things done, and all steps taken, before the commencement of this Act in the Union territory of Mizoram with a view to delimiting the territorial constituencies of that Union territory for purposes of election to the Legislative Assembly of that Union territory shall, in so far as they are in conformity with the foregoing provisions of this section, be deemed to have been done or taken under those provisions as if those provisions were in force at the time such things were done or such steps were taken."

**11. Amendment of section 44.** — In section 44 of the principal Act, —

(a) to sub-section (1), the following further proviso shall be added, namely: —

"Provided further that in the Union territory of Mizoram every decision taken by a Minister or by the Council of Ministers in relation to any matter concerning any area comprised in any autonomous district in that Union territory under the Sixth Schedule to the Constitution shall be subject to the concurrence of the Administrator and nothing in this sub-section shall be construed as preventing the Adminis-

trator in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of such area as he, in his discretion, considers necessary."

(b) after sub-section (1) as so amended, the following sub-section shall be inserted, namely: —

"(2) In the exercise of his functions, the Administrator of the Union territory of Mizoram shall have special responsibility for the security of the border and for that purpose he may issue such directions and take such measures as he may think necessary."

**12. Substitution of new section for section 54.** — For section 54 of the principal Act, the following section shall be substituted, namely: —

**"54. Transitional provisions for administration of justice in certain areas in the Union territory of Mizoram.** — On and from the commencement of this Act in the Union territory of Mizoram and until other provisions in this behalf are made by a competent Legislature or other competent authority, the administration of justice in those areas of that Union territory which are not comprised in any autonomous district under the Sixth Schedule to the Constitution shall be carried on, so far as may be, in accordance with the provisions of paragraphs 4 and 5 of that Schedule, as if those areas were comprised in an autonomous district under that Schedule and the provisions of the said paragraphs were in force in those areas and for this purpose, —

(i) all powers and functions of a District Council under the provisions of the said paragraph 4 shall be exercised and discharged by the Administrator or any officer appointed by him in this behalf;

(ii) the said paragraph 5 shall have effect as if references to the District Council, the Regional Council and the courts constituted by the District Council, by whatever, form of words, had been omitted therefrom; and

(iii) references to Governor in the said paragraphs 4 and 5 shall be construed as references to the Administrator."

**13. Amendment of Sixth Schedule to the Constitution.** — On and from the day on which the Legislative Assembly of the Union territory of Mizoram has been duly constituted under and in accordance with the provisions of the principal Act, in the Sixth Schedule to the Constitution, —

(i) for paragraph 12B, the following paragraph shall be substituted, namely: —

"12B. Application of Acts of Parliament and of the Legislature of the Union territory of Mizoram to autonomous districts and autonomous regions in the Union territory of Mizoram. Notwithstanding anything in this Constitution, —

(a) if any provision of a law made by a District Council or a Regional Council in the Union territory of Mizoram with respect to any matter specified in sub-paragraph (1) of paragraph 3 of this Schedule or if any provision of any regulation made by a District Council or a Regional Council in that Union territory under paragraph 8 or para-

graph 10 of this Schedule, is repugnant to any provision of a law made by the Legislature of the Union territory of Mizoram with respect to that matter, then, the law or regulation made by the District Council or, as the case may be, the Regional Council, whether made before or after the law made by the Legislature of the Union territory of Mizoram, shall, to the extent of repugnancy, be void and the law made by the Legislature of the Union territory of Mizoram shall prevail;

(b) the President may with respect to any Act of Parliament, by notification, direct that it shall not apply to an autonomous district or an autonomous region in the Union territory of Mizoram, or shall apply to such district or region or any part thereof subject to such exceptions or modifications as he may specify in the notification and any such direction may be given so as to have retrospective effect.”;

(ii) in paragraph 20, in Part III of the table, the words “The Mizo District” shall be omitted;

(iii) for paragraph 20A, the following paragraphs shall be substituted, namely:—

“20A. Dissolution of the Mizo District Council. — (1) Notwithstanding anything in this Schedule, the District Council of the Mizo District existing immediately before the prescribed date (hereinafter referred to as the Mizo District Council) shall stand dissolved and cease to exist.

(2) The Administrator of the Union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:—

(a) the transfer, in whole or in part, of the assets, rights and liabilities of the Mizo District Council (including the rights and liabilities under any contract made by it) to the Union or to any other authority;

(b) the substitution of the Union or any other authority for the Mizo District Council, or the addition of the Union or any other authority, as a party to any legal proceedings to which the Mizo District Council is a party;

(c) the transfer or re-employment of any employees of the Mizo District Council to or by the Union or any other authority, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws, made by the Mizo District Council and in force immediately before its dissolution, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf, until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

*Explanation.*— In this paragraph and in paragraph 20B of this Sche-

dule, the expression “prescribed date” means the date on which the Legislative Assembly of the Union territory of Mizoram is duly constituted under and in accordance with the provisions of the Government of Union Territories Act, 1963.

20 of 1963

20B. Autonomous regions in the Union territory of Mizoram to be autonomous districts and transitory provisions consequent thereto. (1) Notwithstanding anything in this Schedule,—

(a) every autonomous region existing immediately before the prescribed date in the Union territory of Mizoram shall, on and from that date, be an autonomous district in that Union territory (hereafter referred to as the corresponding new district) and the Administrator thereof may, by one or more orders, direct that such consequential amendments as are necessary to give effect to the provisions of this clause shall be made in paragraph 20 of this Schedule (including Part III of the table appended to that paragraph) and thereupon the said paragraph and the said Part III shall be deemed to have been amended accordingly;

(b) every Regional Council of an autonomous region in the Union territory of Mizoram existing immediately before the prescribed date (hereafter referred to as the existing Regional Council) shall, on and from that date and until a District Council is duly constituted for the corresponding new district, be deemed to be the District Council of that district (hereafter referred to as the corresponding new District Council).

(2) Every member whether elected or nominated of an existing Regional Council shall be deemed to have been elected or, as the case may be, nominated to the corresponding new District Council and shall hold office until a District Council is duly constituted for the corresponding new district under this Schedule.

(3) Until rules are made under sub-paragraph (7) of paragraph 2 and sub-paragraph (4) of paragraph 4 of this Schedule by the corresponding new District Council, the rules made under the said provisions by the existing Regional Council and in force immediately before the prescribed date shall have effect in relation to the corresponding new District Council subject to such adaptations and modifications as may be made therein by the Administrator of the Union territory of Mizoram.

(4) The Administrator of the Union territory of Mizoram may, by one or more orders, provide for all or any of the following matters, namely:—

(a) the transfer in whole or in part of the assets, rights and liabilities of the existing Regional Council (including the rights and liabilities under any contract made by it) to the corresponding new District Council;

(b) the substitution of the corresponding new District Council for the existing Regional Council as a party to the legal proceedings to which the existing Regional Council is a party;

(c) the transfer or re-employment of any employees of the existing Regional Council to or by the corresponding new District Council, the terms and conditions of service applicable to such employees after such transfer or re-employment;

(d) the continuance of any laws made by the existing Regional Council and in force immediately before the prescribed date, subject to such adaptations and modifications, whether by way of repeal or amendment, as the Administrator may make in this behalf until such laws are altered, repealed or amended by a competent Legislature or other competent authority;

(e) such incidental, consequential and supplementary matters as the Administrator considers necessary.

**20C. Interpretation.** — Subject to any provision made in this behalf, the provisions of this Schedule shall, in their application to the Union territory of Mizoram, have effect —

(1) as if references to the Governor and Government of the State were references to the Administrator of the Union territory appointed under article 239, references to State (except in the expression "Government of the State") were references to the Union territory of Mizoram and references to the State Legislature were references to the Legislative Assembly of the Union territory of Mizoram;

(2) as if —

(a) in sub-paragraph (5) of paragraph 4, the provision for consultation with the Government of the State concerned had been omitted;

(b) in sub-paragraph (2) of paragraph 6, for the words "to which the executive power of the State extends", the words "with respect to which the Legislative Assembly of the Union territory of Mizoram has power to make laws" had been substituted;

(c) in paragraph 13, the words and figures "under article 202" had been omitted.

**14. Amendment of Act 43 of 1950.** — On and from the day on which the Legislative Assembly of the Union territory of Mizoram has been duly constituted and in accordance with the provisions of the principal Act, in section 27A of the Representation of the People Act, 1950, —

(i) in sub-section (4), for the words "The electoral college for the Union territory of Pondicherry", the words "The electoral college for each of the Union territories of Pondicherry and Mizoram" shall be substituted;

(ii) in sub-section (5), for the words "to each of the Union territories of Mizoram and Arunachal Pradesh", the words "to the Union territory of Arunachal Pradesh" shall be substituted.

**15. Elections to the Legislative Assembly of Mizoram.** — As soon as may be after the commencement of this Act, elections shall be held in the Union territory of Mizoram in accordance with the provisions of the principal Act as amended by this

Act for constituting a Legislative Assembly for that Union territory and every endeavour shall be made to hold such elections within a period of four months of such commencement.

## The Constitution (Twenty-Seventh Amendment) Act, 1971

AN

ACT

*further to amend the Constitution of India.*

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows: —

**1. Short title and commencement.** — (1) This Act may be called the Constitution (Twenty-seventh Amendment) Act, 1971.

(2) This section and section 3 shall come into force at once and the remaining provisions of this Act shall come into force on such date, being a date not earlier than the day appointed under clause (b) of section 2 of the North-Eastern Areas (Reorganisation) Act, 1971, as the Central Government may, by notification in the Official Gazette, appoint.

**2. Amendment of article 239A.** — In article 239A of the Constitution, in clause (1), for the words "Goa, Daman and Diu, and Pondicherry", the words "Goa, Daman and Diu, Pondicherry and Mizoram" shall be substituted.

**3. Insertion of new article 239B.** — After article 239A of the Constitution, the following article shall be inserted, namely: —

**"239B. Power of administrator to promulgate Ordinances during recess of Legislature.** — (1) If at any time, except when the Legislature of a Union territory referred to in clause (1) of article 239A is in session, the administrator thereof is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require:

Provided that no such Ordinance shall be promulgated by the administrator except after obtaining instructions from the President in that behalf:

Provided further that whenever the said Legislature is dissolved, or its functioning suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the administrator shall not promulgate any Ordinance during the period of such dissolution or suspension.

(2) An Ordinance promulgated under this article in pursuance of instructions from the President shall be deemed to be an Act of the Legislature of the Union territory which has been duly enacted after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239A, but every such Ordinance —

(a) shall be laid before the Legislature of the Union territory and shall cease to operate at the expiration of six weeks from the reas-



sembly of the Legislature or if, before the expiration of that period, a resolution disapproving it is passed by the Legislature, upon the passing of the resolution; and

(b) may be withdrawn at any time by the administrator after obtaining instructions from the President in that behalf.

(3) If and so far as an Ordinance under this article makes any provision which would not be valid if enacted in an Act of the Legislature of the Union territory made after complying with the provisions in that behalf contained in any such law as is referred to in clause (1) of article 239A, it shall be void."

**4. Amendment of article 240.**—In article 240 of the Constitution, —

(a) in clause (1), —

(i) after entry (e), the following entries shall be inserted, namely: —

"(f) Mizoram;

(g) Arunachal Pradesh:";

(ii) in the proviso, for the words "Union territory of Goa, Daman and Diu or Pondicherry", the words "Union territory of Goa, Daman and Diu, Pondicherry or Mizoram" shall be substituted;

(iii) after the proviso as so amended, the following further proviso shall be inserted, namely: —

"Provided further that whenever the body functioning as a Legislature for the Union territory of Goa, Daman and Diu, Pondicherry or Mizoram is dissolved, or the functioning of that body as such Legislature remains suspended on account of any action taken under any such law as is referred to in clause (1) of article 239A, the President may, during the period of such dissolution or suspension, make regulations for the peace, progress and good government of that Union territory.";

(b) in clause (2), for the words "any existing law", the words "any other law" shall be substituted.

**5. Insertion of new article 371C.**—After article 371B of the Constitution, the following article shall be inserted, namely: —

**371C. Special provision with respect to the State of Manipur.**—(1) Notwithstanding anything in this Constitution, the President may, by order made with respect to the State of Manipur, provide for the constitution and functions of a committee of the Legislative Assembly of the State consisting of members of that Assembly elected from the Hill Areas of that State, for the modifications to be made in the rules of business of the Government and in the rules of procedure of the Legislative Assembly of the State and for any special responsibility of the Governor in order to secure the proper functioning of such committee.

(2) The Governor shall annually, or whenever so required by the President, make a report to

the President regarding the administration of the Hill Areas in the State of Manipur and the executive power of the Union shall extend to the giving of directions to the State as to the administration of the said areas.

*Explanation.*—In this article, the expression "Hill Areas" means such areas as the President may, by order, declare to be Hill Areas.'

## The Companies (Amendment) Act, 1971

AN

ACT

*further to amend the Companies Act, 1956.*

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows: —

**1. Short title and commencement.**—(1) This Act may be called the Companies (Amendment) Act, 1971.

(2) It shall be deemed to have come into force on the 3rd day of December, 1971.

**2. Insertion of new section 293B.**—In the Companies Act, 1956, after section 1 of 1956. 293A, the following section shall be inserted, namely: —

**"293B. Power of Board and other persons to make contributions to the National Defence Fund, etc.**—(1) The Board of directors of any company or any person or authority exercising the powers of the Board of directors of a company, or of the company in general meeting, may, notwithstanding anything contained in sections 293 and 293A or any other provision of this Act or in the memorandum, articles or any other instrument relating to the company, contribute such amount as it thinks fit to the National Defence Fund or any other Fund approved by the Central Government for the purpose of national defence.

(2) Every company shall disclose in its profits and loss account the total amount or amounts contributed by it to the Fund referred to in sub-section (1) during the financial year to which the amount relates."

## The Commissions of Inquiry (Amendment) Act, 1971

AN

ACT

*to amend the Commissions of Inquiry Act, 1952.*

Be it enacted by Parliament in the Twenty-second Year of the Republic of India as follows: —

**1. Short title.**—This Act may be called the Commissions of Inquiry (Amendment) Act, 1971.

**2. Amendment of section 1.**—In section 1 of the Commissions of Inquiry Act, 1952 (hereinafter referred to as the principal Act), for sub-section (2),

the following sub-section shall be substituted, namely:—

“(2) It extends to the whole of India:

Provided that it shall apply to the State of Jammu and Kashmir only in so far as it relates to inquiries pertaining to matters relatable to any of the entries enumerated in List I or List III in the Seventh Schedule to the Constitution as applicable to that State.”.

**3. Amendment of section 2.**—In section 2 of the principal Act, to clause (a), the following proviso shall be added, namely:—

‘Provided that in relation to the State of Jammu and Kashmir, this clause shall have effect subject to the modification that—

(a) in sub-clause (i) thereof, for the words and figures “List I or List II or List III in the Seventh Schedule to the Constitution”, the words and figures “List I or List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir” shall be substituted;

(b) in sub-clause (ii) thereof, for the words and figures “List II or List III in the Seventh Schedule to the Constitution”, the words and figures “List III in the Seventh Schedule to the Constitution as applicable to the State of Jammu and Kashmir” shall be substituted.’.

**4. Insertion of new section 2A.**—After section 2 of the principal Act, the following section shall be inserted, namely:—

“2A. **Construction of references to laws not in force in the State of Jammu and Kashmir.**—Any reference in this Act to a law, which is not in force in the State of Jammu and Kashmir, shall, in relation to that State, be construed as a reference to the corresponding law, if any, in force in that State.”.

**5. Amendment of section 3.**—In section 3 of the principal Act, after sub-section (2), the following sub-sections shall be inserted, namely:—

“(3) The appropriate Government may, at any stage of an inquiry, by the Commission fill any vacancy which may have arisen in the office of a member of the Commission (whether consisting of one or more than one member).

(4) The appropriate Government shall cause to be laid before the House of the People or, as the case may be, the Legislative Assembly of the State, the report, if any, of the Commission on the inquiry made by the Commission under sub-section (1) together with a memorandum of the action taken thereon, within a period of six months of the submission of the report by the Commission to the appropriate Government.”.

**6. Amendment of section 4.**—In section 4 of the principal Act, in clause (a), for the words “summoning and enforcing the attendance of any person”, the words “summoning and enforcing the attendance of any person from any part of India” shall be substituted.

**7. Amendment of section 5.**—In section 5 of the principal Act, in sub-section

(2), the words and figures “and any person so required shall be deemed to be legally bound to furnish such information within the meaning of section 176 and section 177 of the Indian Penal Code” 45 of 1860. shall be inserted at the end.

**8. Insertion of new section 5A.**—After section 5 of the principal Act, the following section shall be inserted, namely:—

“5A. **Power of Commission to utilise the services of certain officers and investigation agencies for conducting investigation pertaining to inquiry.**

—(1) The Commission may, for the purpose of conducting any investigation pertaining to the inquiry, utilise the services,—

(a) in the case of a Commission appointed by the Central Government, of any officer or investigation agency of the Central Government or any State Government within the concurrence of the Central Government or the State Government, as the case may be; or

(b) in the case of a Commission appointed by the State Government, of any officer or investigation agency of the State Government or Central Government with the concurrence of the State Government or the Central Government, as the case may be.

(2) For the purpose of investigating into any matter pertaining to the inquiry, any officer or agency whose services are utilised under sub-section (1) may, subject to the direction and control of the Commission,—

(a) summons and enforce the attendance of any person and examine him;

(b) require the discovery and production of any document; and

(c) requisition any public record or copy thereof from any office.

(3) The provisions of section 6 shall apply in relation to any statement made by a person before any officer or agency whose services are utilised under sub-section (1) as they apply in relation to statement made by a person in the course of giving evidence before the Commission.

(4) The officer or agency, whose services are utilised under sub-section (1), shall investigate into any matter pertaining to the inquiry and submit a report thereon (hereafter in this section referred to as the investigation report) to the Commission within such period as may be specified by the Commission in this behalf.

(5) The Commission shall satisfy itself about the correctness of the facts stated and the conclusions, if any, arrived at in the investigation report submitted to it under sub-section (4), and for this purpose the Commission may make such inquiry (including the examination of the person or persons who conducted or assisted in the investigation) as it thinks fit.”.

**9. Insertion of new section 6A.**—After section 6 of the principal Act, the following section shall be inserted, namely:—

“6A. **Persons not obliged to disclose secret process of manufacture of goods in certain cases.**—



Except in cases where a Commission is expressly required to inquire into the process of manufacture of any goods, nothing in this Act shall be deemed to compel any person giving evidence before the Commission to disclose any secret process of manufacture thereof."

**10. Substitution of new section for section 7.**— For section 7 of the principal Act, the following section shall be substituted, namely:—

**"7. Commission to cease to exist when so notified.**— (1) The appropriate Government may, by notification in the Official Gazette, declare that—

(a) a Commission (other than a Commission appointed in pursuance of a resolution passed by the House of the People or, as the case may be, the Legislative Assembly of the State) shall cease to exist, if it is of opinion that the continued existence of the Commission is unnecessary;

(b) a Commission appointed in pursuance of a resolution passed by the House of the People or, as the case may be, the Legislative Assembly of the State, shall cease to exist if a resolution for the discontinuance of the Commission is passed by the House of the People or, as the case may be, the Legislative Assembly of the State.

(2) Every notification issued under sub-section (1) shall specify the date from which the Commission shall cease to exist and on the issue of such notification, the Commission shall cease to exist with effect from the date specified therein."

**11. Amendment of section 8.**— In section 8 of the principal Act, the words "and may act notwithstanding the temporary absence of any member or the existence of a vacancy among its members" shall be omitted.

**12. Insertion of new sections 8A, 8B and 8C.**— After section 8 of the principal Act, the following sections shall be inserted, namely:—

**"8A. Inquiry not to be interrupted by reason of vacancy or change in the constitution of the Commission.**— (1) Where the Commission consists of two or more members, it may act notwithstanding the absence of the Chairman or any other member or any vacancy among its members.

(2) Where during the course of an inquiry before a Commission, a change has taken place in the constitution of the Commission by reason of any vacancy having been filled or by any other reason, it shall not be necessary for the Commission to commence the inquiry afresh and the inquiry may be continued from the stage at which the change took place.

**8B. Persons likely to be prejudicially affected to be heard.**— If, at any stage of the inquiry, the Commission,—

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of opinion that the reputation of any person is likely to be prejudicially affected by the inquiry,

the Commission shall give to that person a reasonable opportunity of being heard in the inquiry and to produce evidence in his defence:

Provided that nothing in this section shall apply where the credit of a witness is being impeached.

**8C. Right of cross-examination and representation by legal practitioner.**— The appropriate Government, every person referred to in section 8B and, with the permission of the Commission, any other person whose evidence is recorded by the Commission,—

(a) may cross-examine a witness other than a witness produced by it or him;

(b) may address the Commission; and

(c) may be represented before the Commission by a legal practitioner or, with the permission of the Commission, by any other person."

**13. Insertion of new section 10A.**— After section 10 of the principal Act, the following section shall be inserted, namely:—

**"10A. Penalty for acts calculated to bring the Commission or any member thereof into disrepute.**

(1) If any person, by words either spoken or intended to be read, makes or publishes any statement or does any other act, which is calculated to bring the Commission or any member thereof into disrepute, he shall be punishable with simple imprisonment for a term which may extend to six months, or with fine, or with both.

(2) The provisions of section 198B of the Code of Criminal Procedure, 1898 5 of 1898. shall apply in relation to an offence under sub-section (1) as they apply in relation to an offence referred to in sub-section (1) of the said section 198B, subject to the modification that no complaint in respect of such offence shall be made by the Public Prosecutor except with the previous sanction,

(a) in the case of a Commission, or member of a Commission appointed by the Central Government, of the Central Government; or

(b) in the case of a Commission, or member of a Commission appointed by the State Government, of the State Government."

**14. Amendment of section 12.**— In section 12 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

**"(3) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."**

15. Principal Act as amended to come into force in Jammu and Kashmir and in certain districts in Nagaland. — The principal Act, as amended by this Act, shall come into force in the State of Jammu and Kashmir and in the districts of Kohima and Mokokchung in the State of Nagaland on such date as the Central Government may, by notification in the Official Gazette, appoint.

Office of the Chief Electoral Officer

Notification

4-3-72/Elec.

The following notification No. 56/72-VII dated 25-2-1972, issued by the Election Commission of India, New Delhi is hereby republished for general information.

B. M. Masurkar, Chief Electoral Officer.  
Panaji, 2nd March, 1972.

Election Commission of India

New Delhi, dated the 25th February, 1972  
Phalguna 6, 1893 (Saka)

Notification

S. O. In pursuance of paragraph 17 of the Election Symbols (Reservation and Allotment) Order, 1968, the Election Commission hereby makes the following amendment in its notification No. 56/72-I, dated the 1st February, 1972 published in an extraordinary issue of the Gazette of India Part II, Section 3(ii), dated the 2nd February, 1972, namely: —

In Table 3, below the entry "27. Laccadive, Minicoy and Aminidivi Islands" under the columns 'Name of State' and 'Free symbols', the following entry shall be inserted: —

"28. Mizoram (1) Bicycle, (2) Boat, (3) Lion, (4) Scales, (5) Spade, (6) Two leaves, (7) Sparrow, (8) Pot, (9) Railway Engine, (10) Camel, (11) Spade and Stoker and (12) Elephant".

and the following entry "28. Pondicherry" shall be renumbered as "29. Pondicherry".

[56/72-VII]

By order,

K. S. RAJAGOPALAN

Secretary to the Election Commission of India.

Labour and Information Department

Mormugao Port Trust

Notification

MPT/IGA(16)/72

As required under Section 124(2) of the Major Port Trusts Act, 1963 the following amendment to the Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations, 1966 adopted by the Board is hereby published: —

Introduce the following after Regulation 3(iii)(1)(e) of Mormugao Port Employees (Contributory Provident Fund Special Contribution) Regulations 1966:

"(f) Dearness pay, if admissible".

By order,

Shivakumar Dhindaw

Secretary

Mormugao, 8th February, 1972.

Government Press

Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1972, which is the close of the financial year.

In case they wish to continue to be subscribers for the ensuing financial year of 1972-73 they have to renew their subscription from 1st April, next.

Subscriptions can also be opened for half-year i.e. from 1st April, 1st July or 1st October or for any quarter, beginning on 1st April, 1st July, 1st October or 1st January.

Renewal of subscription should be effected on or before 31st March, 1972, in order to avoid interruption in the dispatch of copies of the Gazette. It should be noted that subscribers are entitled to receive copies of the Gazette only from the date the subscription rates have actually been paid.

The subscription charges are accepted either in cash, money order or demand draft on State Bank of India, Panaji, in favour of the Assistant Manager, Government Printing Press, Panaji, Goa, only. Remittances by cheques or any other form of payment will not be accepted.

SUBSCRIPTION RATES

(Including postage within Union of India)

	All 3 Series	Series I	Series II	Series III
	Rs.	Rs.	Rs.	Rs.
For any quarter .....	18-75	9-75	8-75	9-75
For half year .....	25-50	13-50	11-50	13-50
For any period exceeding 6 months upto one year	43-00	23-00	19-00	23-00